

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAMIEN LEWIS,)
)
 Plaintiff,)
)
 v.) No. 4:07CV882 AGF
)
 UNITED STATES DEPARTMENT)
 OF JUSTICE, et al.,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Plaintiff, an inmate at FCC Forrest City, brings this action under the Federal Tort Claims Act against the United States Department of Justice, the Bureau of Prisons, and a physician employed at FMC Rochester, a federal prison in Minnesota. Venue is proper in the Eastern District of Arkansas, and the Court will order the Clerk to transfer this case to that district.

Plaintiff brings this action pursuant to 28 U.S.C. § 1346(b)(1), which makes the government liable in tort for damages caused by the negligence of government employees acting within the scope of their office under circumstances where the government, “if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.” Under 28 U.S.C. § 1402(b), any action brought under § 1346(b) “may be prosecuted only in the judicial district

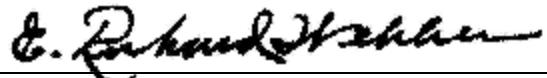
where the plaintiff resides or wherein the act or omission complained of occurred." Consequently, this action may be prosecuted in either the Eastern District of Arkansas, where plaintiff resides, or in the District of Minnesota, where the alleged acts occurred.

Plaintiff recently filed a notice of change of address with the Court requesting that the action be transferred to the district in which he resides. As a result, the Court will transfer this action to the Eastern District of Arkansas pursuant to 28 U.S.C. § 1406(a).

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall transfer this case to the United States District Court for the Eastern District of Arkansas pursuant to 28 U.S.C. § 1406(a).

Dated this 6th Day of June, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE